

**In Re: Charlestown Mall Site, Frankfort, Herkimer County, New York  
Request for Information Pursuant to the Comprehensive Environmental Response,  
Compensation and Liability Act, 42 U.S.C. § 9601-9675**

**JAMES S. RENALDO'S, RESPONSES TO  
ENVIRONMENTAL PROTECTION AGENCY REQUEST FOR INFORMATION**

James S. Renaldo ("Renaldo"), hereby serves his responses to the Environmental Protection Agency Request for Information. Renaldo reserves the right to supplement or revise his responses.

**Definitions**

1. As used herein, the term, "Site" shall refer to the Charlestown Mall Site located at 2205 Bleecker Street, Village of Frankfort, Herkimer County, New York (and includes 311 Turner Street, Utica, Oneida County, NY) and any adjacent areas that may have been affected by the contamination from the Site.
2. The term "you" shall mean the addressee of this Request for Information, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns or agents.
3. As used herein, the terms "the Company" or "your Company" refer not only to Consolidated American Industries Corporation as is currently named and constituted, but also all subsidiaries, divisions, and branches as well as any predecessors and successors in interest of Consolidated American Industries Corporation or any other related company.
4. The term "person" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.
5. The term "Gaetano Associates, LLC" (hereinafter "Gaetano Associates") shall refer to the business formerly owned by Charles A. Gaetano that your Company subsequently purchased.
6. The term "hazardous substance" shall have the meaning set forth in Section 101(14) of CERCLA, at 42 U.S.C. § 9601(14). The substances which have been designated as hazardous substances pursuant to Section 102(a) of CERCLA (which, in turn, comprise a portion of the substances that fall within the definition of "hazardous substance" under Section 101 (14) of CERCLA) are set forth at 40 CFR Part 302.
7. The terms "disposal", "hazardous waste", and "storage" shall have the meaning set forth in Sections 1004(3), (5), and (33) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6903(3), (5), and (33), respectively.
8. The term "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including but not limited to the following: papers, books, records, letters, photographs, correspondence, communications, telegrams, cables, Telex messages, emails, memoranda, laboratory work papers, batch sheets, other work papers, ledger sheets, transcripts, minutes, reports and recordings of telephone or other conversations, or of interviews or of conferences, or of other meetings, affidavits, statements, summaries, opinions, reports, studies, drafts, analyses, bulletins, notices, announcements, advertisements, instructions, charts, manuals, brochures, publications, schedules, journals, statistical records, diaries, lists, logs, well logs, field logs, tabulations, sound recordings, computer printouts, computer-readable materials, chromatograms, spectrographs, mass spectra or spectrograms, data generated from any physicochemical methods of analysis, data processing input and invoices, checks, notes, diagrams, maps, graphs, or materials with handwriting or other printing on them and other tangible material. "Document" shall also include any data compilation from which information can be obtained or translated if necessary by you through detection devices into reasonably usable form.
9. The term "arrangement" means every separate contract or other agreement between two or more persons, whether written or oral.
10. The term "release" as used herein shall have the meaning set forth in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).
11. The term "pollutant or contaminant" shall have the meaning set forth in Section 101(33) of CERCLA, 42 U.S.C. § 9601(33) and shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral

abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations; except that the term "pollutant or contaminant" shall not include petroleum.

12. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known employer and business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, occupation, position or business.

13. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g. corporation, partnership, etc.), organization, if any, and a brief description of its business and affiliation with the individual and/or company to whom/with this request is addressed.

14. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter. The Company can provide a copy of any document in lieu of so describing it.

15. The terms "and" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these questions information that might otherwise be construed to be outside of their scope.

16. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, in which case the statutory definitions shall apply.

### REQUEST FOR INFORMATION

1. State the correct your Company's legal name, mailing address, state and date of incorporation, and agent for service of process in the state of incorporation and New York. Provide a copy of your Company's articles of incorporation or other such documents which established the business.

**Response:** Nevada Secretary of State website indicates Consolidated American Industries Corporation was formed as a Nevada corporation on or about February 5, 1987. I do not recall the detailed corporate history of the Company. Such information would be contained in the corporate records of the Company, including entity information relating to filings in all other states (including New York). I am not in possession, nor do I know the location, of any of the Company records.

2. State the name(s) and address(es) of the President, Chief Executive Officer, and –tbg n Chairman of the Board, Partners or other presiding officer(s) of your Company since inception.

**Response:** I have no knowledge of the present status of the Company. I do not recall the detailed corporate history of the Company. I terminated any association I had with the Company on or about January of 2008. The information requested would be contained in the corporate records of the Company. I am not in possession, nor do I know the location, of any of the Company records.

3. According to records obtained by the EPA, your Company executed an agreement with Charles A. Gaetano on September 23, 2005 to purchase all ownership interests in Gaetano Associates, including the Site. The Agreement and Plan of Acquisition indicates that the purchase price of Gaetano Associates, LLC was \$500,000 and 1,000,000 shares of Consolidated American Industries Corporation. When did your company assume ownership of Gaetano Associates and the Site after September 23, 2005?

**Response:** The Agreement and Plan of Acquisition of Gaetano Associates, LLC a New York limited liability company, and Consolidated American Industries Corporation, a Nevada Corporation, as the acquiring corporation, indicates the agreement was entered into on September 23, 2005. I do not recall the specific date, but I do recall the closing of the transaction and transfer of title to be some time after that date.

4. When did you obtain a written loan commitment to satisfy the terms of the Agreement and Plan of Acquisition and for what amount? Please identify the financial institution which granted this loan commitment and provide a complete, signed copy.

**Response:** I do not recall obtaining a written loan commitment. To the best of my recollection, the Company leveraged one of its other properties, secured a loan on that property, and used some of the proceeds from that loan to provide the cash payment to Gaetano Associates. The information requested would be contained in the corporate records of the Company. I am not in possession, nor do I know the location, of any of the Company records.

5. Did your Company compensate Charles A. Gaetano with the purchase price listed in the September 23, 2005 Agreement and Plan of Acquisition in exchange for full ownership interest in Gaetano Associates? If not, describe in detail the actual purchase price and any changes and/or amendments to the terms in the Agreement and Plan of Acquisition. Provide copies of the purchase any and all changes and/or amendments to the Agreement and Plan of Acquisition.

**Response:** I do not recall any compensation delivered to Gaetano Associates other than that compensation identified in the agreement. I have no evidence to dispute the amount of consideration delivered for the purchase of the property. I do not recall any changes and/or amendments to the terms in the Agreement and Plan of Acquisition, but there may have been. The information requested would be contained in the corporate records of the Company. I am not in possession, nor do I know the location, of any of the Company records.

6. How many shares of your Company were actually issued to Charles A. Gaetano in the purchase of Gaetano Associates, LLC and what was the monetary value (US\$) of the stock/shares issued?

**Response:** I am aware of no evidence to indicate the amount of Company shares issued to Gaetano Associates for the purchase of the property, as indicated in the agreement, is not correct. The shares would have been restricted common shares of the Company, and the value entered would have reflected a significant discount off the then current share price quoted on the exchange, as a result of such restriction. The information requested would be contained in the corporate records of the Company. I am not in possession, nor do I know the location, of any of the Company records.

7. Please submit a copy of all the documents identified in the September 23, 2005 Agreement and Plan of Acquisition as "Financial Statements" which were attached as "Exhibit A" (referenced in section 2.03.6 of the Agreement). These included:

a. The balance sheets and statements of income of Gaetano Associates for the fiscal years 2002, 2003, 2004; and

**Response:** The information requested would be contained in the corporate records of the Company, or in the possession of Gaetano Associates. I am not in possession, nor do I know the location, of any of the Company records.

b. The balance sheets and statements of income, changes in stockholders' equity, and cash flow of Gaetano Associates for seven months prior to July 31, 2005.

**Response:** The information requested would be contained in the corporate records of the Company, or in the possession of Gaetano Associates. I am not in possession, nor do I know the location, of any of the Company records or the records of Gaetano Associates.

In addition, please submit a copy of all the documents identified as part of the "Disclosure Schedule" in the Agreement and Plan of Acquisition (referenced in section 2.03.12 of the Agreement). These include descriptions of all real property leased or subleased.

**Response:** The information requested would be contained in the corporate records of the Company, or in the possession of Gaetano Associates. I am not in possession, nor do I know the location, of any of the Company records.

8. Please submit a copy of the Disclosure Schedule to the September 23, 2005 Agreement and Plan of Acquisition which lists the properties and assets of both Gaetano Associates and your Company.

**Response:** The information requested would be contained in the corporate records of the Company, or in the possession of Gaetano Associates. I am not in possession, nor do I know the location, of any of the Company records.

9. Describe any demolition and/or renovations which were conducted at the Site while your Company owned the property. Provide the names of any individuals or Companies involved in performing demolition and/or renovations at the Site.

**Response:** There was no demolition and/or renovations conducted at the Site while the Company owned the property. No demolition and/or renovations were approved by the Company nor conducted during the period the Company held title to the property. I am/was not aware of any work performed at the site during the period the Company held an ownership interest.

10. Did your Company acquire any additional properties in the purchase of Gaetano Associates, LLC? If yes, please identify by lot/block, town and address.

**Response:** I am not aware of the Company's acquisition of any additional properties in the purchase from Gaetano Associates, LLC.

11. According to records obtained by the EPA, your Company assumed ownership of the Site through the purchase of Gaetano Associates, LLC on or sometime after September 23, 2005 until 2008.

a. What operations did your Company conduct at the Site?

**Response:** The Company was a passive, absentee investor, and conducted no operations at the site during the period the Company held title to the property.

b. Describe your position(s) and responsibilities at your Company during the period your Company owned the Site.

**Response:** The Company was a public holding company, involved in a number of businesses. During the period I was associated with the Company, at one time or another, I served in several roles: outside counsel, general counsel, president and/or director. Any responsibilities and authority were those generally associated with a similar position held in a public holding company, and any authority held was subject to the sole discretion of the Board of Directors and the Shareholders.

c. When did your Company cease operating at the Site?

**Response:** I do not recall the specific date when the Company lost its ownership interest in the property. I believe the Company lost its ownership interest in the property sometime in late 2007 or early 2008. I terminated any association I had with the Company in early 2008. I believe the site was no longer owned by the Company as a result of a foreclosure. The information requested would be contained in the corporate records of the Company. I am not in possession, nor do I know the location, of any of the Company records.

d. Who managed the day to day operations on behalf of your Company at the Site?

**Response:** The Company was a passive, absentee owner of the property. Gaetano Associates, or one of its affiliates, managed the entire operations at the site.

e. Did you rent any portion of the property? Please provide leases or describe the agreement in detail (including space provided, time frame of rental, name of tenant, etc.) if no lease existed.

**Response:** No. The Company was a passive, absentee owner.

f. How did your company generate income at the Site?

**Response:** The Company generated no income from the operations of the site. The Company was a passive, absentee owner, and held the property as an asset.

12. What was the nature of the business of your Company?

**Response:** The Company was a public holding company. At one time or another, the Company held operating subsidiaries involved in manufacturing, real estate and mortgage brokering.

13. What years did your Company operate at the Site?

**Response:** The Company never operated at the site. The Company was a passive, absentee owner of the property. I do not recall the specific period the Company held an ownership interest in the property. The information requested would be contained in the corporate records of the Company, or in the possession of Gaetano Associates. I am not in possession, nor do I know the location, of any of the Company records.

14. What date did the business stop operations at the Site and what were the reasons the business closed?



**Response:** To the best of my recollection, the property was foreclosed in late 2007 or early 2008. The Company lacked the necessary capitalization to sustain operations. The information requested would be contained in the corporate records of the Company. I am not in possession, nor do I know the location, of any of the Company records.

15. Was the business sold to another company? If yes, what was the name and address of that company?

**Response:** I have no knowledge of the activities of the Company after my departure. The information requested would be contained in the corporate records of the Company. I am not in possession, nor do I know the location, of any of the Company records.

16. Does your Company exist today? If not, describe the manner of dissolution or other termination and provide the date of such action and provide documentation.

**Response:** I have no knowledge of the Company's present status. The information requested would be contained in the corporate records of the Company. I am not in possession, nor do I know the location, of any of the Company records.

17. Additional information indicates that Charles A. Gaetano continued to manage the Site, either individually or under the name of one of his affiliate companies, until January 1, 2008.

a. Describe the circumstances or agreements which were in place that allowed Charles A. Gaetano or any of his affiliate companies to continue to manage the Site after it was purchased by your Company.

**Response:** I recall that Gaetano Associates continued to manage the property following the acquisition by the Company. The information requested would be contained in the Company's corporate records, or in the possession of Gaetano Associates. I have no knowledge of the present status of the Company. I am not in possession, nor do I know the location, of any of the Company records.

b. Identify any position(s)/responsibilities Charles A. Gaetano held within your Company?

**Response:** I do not recall Charles A. Gaetano ever holding any position(s)/responsibilities with the Company

18. Describe the current business status of Gaetano Associates. If applicable, explain how your Company dissolved associations with Gaetano Associates, and/or the Site.

**Response:** I have no knowledge of the present status of Gaetano Associates. The property was foreclosed.

19. Describe how asbestos was disposed of or handled at the Site.

**Response:** I am not aware that any asbestos was ever disposed of, or handled at the Site, by anyone, during the period the Company held title to the property.

20. Describe your position(s) and responsibilities at your Company during the period your Company owned the Site.

**Response:** See response to 11b above.

21. Please provide signed copies of your Company's last five years of federal tax returns including all schedules thereto. Also provide audited financial statements for the last three years. If audited financial statements are not available, include unaudited statements. If no longer in business, please provide the last five years of returns submitted.

**Response:** I have no knowledge of the present status of the Company. I am not in possession, nor do I know the location, of any of the Company records.

22. If your Company has filed for bankruptcy, provide all filings which document the claim, your Company's financial status, and the resolution of the bankruptcy.

**Response:** I have no knowledge of the present status of the Company. I am not in possession, nor do I know the location, of any of the Company records.

23. Provide copies your Company's state tax returns filed for the last five years.

**Response:** I have no knowledge of the present status of the Company. I am not in possession, nor do I know the location, of any of the Company records.

24. Identify and provide copies of all insurance policies and indemnification agreements held or entered into which arguably could indemnify your Company against any liability which it may be found to have under CERCLA for releases and threatened releases of hazardous substances at and from the Site. In response to this request, please provide not only those insurance policies and agreements which currently are in effect, but also include those which were in effect during any portion of the time when the Company conducted operations at, or held a property interest in, the Site.

**Response:** I have no knowledge of the present status of the Company. I am not in possession, nor do I know the location, of any of the Company records.

25. Provide copies of any documents regarding prior business operator/operations conducted at the Site that came into your possession when you or your Company purchased the Site

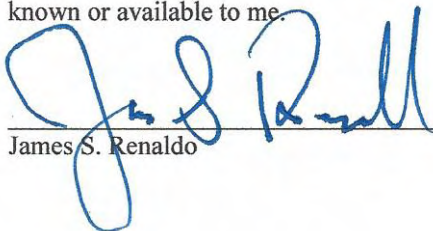
**Response:** The information requested would be in the Company records. I am not in possession, nor do I know the location, of any of the Company records.

#### **GENERAL OBJECTIONS**

1. Renaldo objects to these questions insofar as they purport to impose obligations beyond those required by Federal and State law and the rules of civil procedure (if, and where, applicable).
2. Renaldo objects to these questions to the extent they seek information protected by any applicable privilege, including but not limited to the attorney/client, attorney work product, accountant/client, and self-critical analysis privileges.
3. Renaldo objects to these questions to the extent they are vague, ambiguous, overly broad, and are neither relevant to the subject matter of the pending investigation nor reasonably calculated to lead to the discovery of admissible evidence.
4. Renaldo objects to the extent that these questions do not specify any time period for certain information.
5. These responses are made without waiver of, and with preservation of all questions as to competency, relevancy, materiality, privilege, and admissibility of these responses and the right at any time to revise, correct, add to, supplement or clarify any of the responses contained herein.
6. By responding to any question, Renaldo does not intend to, and does not, waive any of his general or specific objections to the questions, nor shall any inadvertent or partial response constitute a waiver of any applicable privilege or other protection.

These objections are specifically incorporated into the responses herein.

I certify under penalty of law that my responses to the EPA's request for information are true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to the EPA's Request for Information if any additional information relevant to the matters addressed in the EPA's Request for Information or my response thereto should become known or available to me.

  
James S. Renaldo